

Calendar No. 382

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-183

SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT OF 2007

SEPTEMBER 21, 2007.—Ordered to be printed

Mr. LEAHY, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

SUPPLEMENTAL VIEWS

[To accompany S. 2084]

The Committee on the Judiciary, having considered an original bill (S. 2084), to promote school safety, improved law enforcement, and for other purposes, reports favorably thereon without amendment, and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose of the School Safety and Law Enforcement Improvement Act of 2007	1
II. History of the Bill and Committee Consideration	9
III. Section-by-Section Summary of the Bill	12
IV. Congressional Budget Office Cost Estimate	19
V. Regulatory Impact Evaluation	20
VI. Conclusion	20
VII. Supplemental Views of Senator Kennedy	21
VIII. Changes in Existing Law Made by the Bill, as Reported	26

I. PURPOSE OF THE SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT OF 2007

The Judiciary Committee considered the School Safety and Law Enforcement Improvement Act of 2007 (SSLEIA) as an original bill on August 2, 2007. The bill, as amended, is a legislative package combining a number of initiatives, with some modifications. They are: (1) the School Safety Enhancements Act of 2007 (S. 1217), (2)

the NICS Improvement Amendments Act of 2007 (H.R. 2640), (3) the Equity in Law Enforcement Act (S. 1448), (4) the Law Enforcement Officers Safety Act of 2007 (S. 376), (5) the Prevention Resources for Eliminating Criminal Activity in our Neighborhoods (PRECAUTION) Act (S. 1521), and (6) the Terrorist Hoax Improvements Act of 2007 (S. 735).

The bill provides a responsible and effective congressional response to school incidents that have occurred in the recent past and, in particular, to the tragedy that took place on April 16, 2007 on the campus of Virginia Polytechnic Institute and State University (Virginia Tech) in Blacksburg, Virginia. The bill is intended in part to address the recurring problem of violence in our schools through additional support to law enforcement in both public and private educational settings, and to make needed improvements to the National Instant Criminal Background Check System. Specifically, the bill seeks to enlist the States as partners in the dissemination of critical information about the purchasers of firearms, to distribute federal dollars to improve the safety and security of our schools from kindergarten through higher education, to provide equitable benefits to campus safety officers protecting private colleges and universities, and to evaluate effectively and implement crime prevention programs in school settings, and elsewhere. The bill also makes improvements to two existing laws: it streamlines certification procedures under existing federal law that permit qualified law enforcement to carry concealed firearms across State lines, and strengthens the federal terrorist hoax statute to punish disruptive and costly “false alarms” that can create turmoil in schools and on college campuses.

The Committee is mindful that no legislative response will be a panacea for school violence in this country, but the bill addresses some of the most critical school safety and law enforcement needs in the wake of the Virginia Tech tragedy.¹

A. BACKGROUND

On April 16, 2007, a Virginia Tech senior named Seung-Hui Cho shot and killed 32 people and wounded 25 in two separate incidents on the Virginia Tech campus, before committing suicide. The Virginia Tech massacre was the deadliest to have occurred on a U.S. college campus. Cho killed his first two victims at around 7:15 a.m. at a dormitory building. Approximately two hours later, Cho

¹ On August 22, 2007, three internal review committees commissioned by Virginia Tech President Charles W. Steger to study the Virginia Tech incident presented reports recommending specific campus safety improvements, among other proposals. The committees’ recommendations include the installation of interior classroom door locks, enhanced communications systems to better alert students to dangerous situations, and the establishment of a public safety building on campus. The bill’s new grant program for higher education would permit funding for these critical safety initiatives.

In addition, on August 30, 2007, a panel of experts commissioned by Virginia Governor Tom Kaine (the Virginia Tech Review Panel) issued its findings based on a four-month long investigation of the incident and its aftermath. The Virginia Tech Review Panel offered more than 70 recommendations directed to colleges, universities, mental health providers, law enforcement officials, emergency service providers, public officials, and law makers. The bill specifically responds to a number of recommendations from the Review Panel related to improve school safety planning and reporting information to the national instant criminal background check system. See Mass Shootings at Virginia Tech April 16, 2007: Report of the Virginia Tech Review Panel reported to Gov. Timothy M. Kaine, Governor, Commonwealth of Virginia, August 2007 at Chapters II (p. 19), VI (p. 76), and VIII (p. 99). The Virginia Tech Review Panel report has a broad scope with many specific recommendations and will be subject to additional review and consideration by Congress.

entered a classroom building, chained the three main entrance doors shut, walked up to the second floor classrooms, and began shooting teachers and students. After an approximately 9-minute rampage that resulted in an additional 30 deaths and dozens of injuries, Cho turned one of his weapons on himself just as law enforcement officials finally gained entrance to the classroom building.

Two years before these tragic events, Cho had been adjudicated mentally ill by a Virginia special justice after having been accused of stalking two female students, which prohibited him from possessing a firearm under federal law. Nevertheless, he was able to purchase two weapons that were used in the massacre after he passed the background check. The National Instant Criminal Background Check System (NICS) is the federal law enforcement database containing the names of persons prohibited from purchasing firearms, and it is designed to prevent such purchases. The Virginia Tech incident underscored the need for improvements. In addition, the incident revealed that schools are soft targets for criminals and for would-be terrorists. In most cases they employ only a small number of security personnel and have only basic security measures in place to guard against deadly attacks. Indeed, it has been reported that one of the crucial security failures during the Virginia Tech incident was that the classrooms Cho entered during his rampage had no interior door locks.² Students and faculty were, therefore, unable to secure themselves in the classrooms while awaiting the arrival of law enforcement.

B. NEED FOR LEGISLATION AND BILL SUMMARY

1. School safety—kindergarten through higher education

The Virginia Tech incident cast light on how vulnerable our campuses are to attack by a person or group of people intent on inflicting mass casualties. It also highlights how small a role the Federal Government currently plays in helping to secure institutions of higher education. Congress mandates through the Clery Act, 20 U.S.C. § 1092(f), that all colleges and universities receiving federal financial aid collect and publicly disclose information about crime on or near campus.³ But according to the Congressional Research Service, there is currently no federal funding targeted to help approximately 2,500 colleges and universities comply with existing federal campus security requirements, let alone to support campus safety initiatives.⁴ Around 15 million students attend institutions of higher education in the United States, but schools currently must rely on sub-grants from State or local governments to defray the costs of ensuring the safety of students, or must fund school safety initiatives and improvements entirely themselves. At a time when the risk of terrorist attacks and other violence on campus has

²See Dena Potter, Experts Say Inside Locks on Classroom Doors Would Save Lives, Associated Press, July 29, 2007.

³Eastern Michigan University's failure to timely inform its student body of a murder that took place on campus has recently raised questions about the level of compliance with the Clery Act's requirements. See Campus Security is a Crime, USA Today, July 23, 2007, at A10.

⁴See Rebecca R. Skinner and Gail McCallion, School and Campus Safety Programs and Requirements in the Elementary and Secondary Education Act and Higher Education Act, Congressional Research Service, April 27, 2007, at 13.

never been higher, the Federal Government must play a more significant role in securing our schools.

Students attending our elementary and secondary schools face many of the same dangers as those attending institutions of higher education, and there are an additional 55 million students enrolled in elementary and secondary schools nationwide.⁵ For example, on August 24, 2006, an ex-convict shot four people in two homes and an elementary school in the rural community of Essex, Vermont, before unsuccessfully trying to kill himself with two shots to the head.⁶ And on October 2, 2006, a gunman killed 10 Amish schoolgirls at Wolf Rock School in Nickel Mines, Pennsylvania, before committing suicide.⁷ There is an existing federal grant program to enhance security for elementary and secondary schools,⁸ but grants from that program cannot currently be used to fund capital improvements by school districts, or to implement more specific safety-oriented measures, such as the creation of tip lines and the installation of surveillance equipment, to report and deter potential dangerous situations. In addition, the funding of that program has not been significantly adjusted since the program's creation to reflect the increased risks faced by our school-aged children.

Title I of SSLEIA (the School Safety Enhancements Act of 2007) takes concrete steps to improve school safety both at the elementary and secondary school level (K–12), and for college and university campuses. The K–12 portion would expand the Secure Our Schools grant program by adding tip lines, surveillance equipment, and capital improvements to schools as approved uses for the grant program, and by increasing annual appropriation authorization for this purpose from \$30,000,000 to \$50,000,000. This increase in federal funding is necessary to ease the burden on local school districts for implementing security enhancements. These improvements will make our elementary and secondary schools safer by funding much-needed infrastructure improvements, and they will empower students to report potentially dangerous situations to school administrators before they occur. The Secure Our Schools program has, since its inception in 2000, delivered millions of dollars to school districts nationwide to make critical safety improvements. Adding capital improvements, among other new uses, for these funds, and raising the level of funding to allow for greater participation of school districts, will help schools make significant infrastructure changes to include the most current safety and technology improvements.

Through its higher education component, Title I also authorizes the Attorney General to award grants to establish and operate a National Center for Campus Public Safety, to be funded at \$2.75 million annually. The Department of Justice Office of Community Oriented Policing Services recommended the establishment of a National Center for Campus Public Safety following its 2005 summit, but that recommendation was never implemented by Congress.⁹ Funding this Center will support research as well as hands

⁵ See *id.* at 1.

⁶ See *Deadly Rampage in Quiet Vermont Town*, *Boston Globe*, Aug. 25, 2006, at A1.

⁷ See Raymond McCaffrey and Michael E. Ruane, *An Amish Community Grieves for Its Little Ones*, *The Washington Post*, Oct. 5, 2006.

⁸ See 42 U.S.C. § 3797a (the “Secure Our Schools” grant program).

⁹ See National Summit on Campus Public Safety, U.S. Department of Justice COPS Office, at 7 (2005).

on training for campus safety officers at our nation's colleges and universities that will put campus safety officers in the best position to appropriately respond to future dangerous situations on campus.

Title I also creates a new Justice Department-administered matching grant program to help pay for improved campus security at institutions of higher education, with annual authorized appropriations of \$50,000,000. This would be the first federal grant program that will permit institutions of higher education to apply directly for federal grants. The Committee recognizes that colleges and universities serve and protect not only their students, but also the wider community, which oftentimes participates in and contributes to events on campus. Campuses also contain some of our most prized and sensitive assets, such as world-class research facilities and even nuclear reactors. There is a strong federal interest in ensuring the safety and security of colleges and universities, and the creation of a new grant program benefiting institutions of higher education is an efficient and effective way to enhance the protection of the millions of students attending colleges and universities nationwide, as well as the surrounding communities.¹⁰ The Committee believes that significant investment in the safety of our nation's young people, and in the protection of the vital resources associated with all educational institutions, is warranted and necessary.

2. Federal/State improvement in NICS reporting

The Virginia Tech incident also demonstrated the need for State and federal collaboration and information sharing to ensure that those who are not legally eligible to purchase firearms will be prevented from doing so. The Virginia Tech incident made clear that the NICS reporting requirements must be reevaluated and improved.

Title II of the bill incorporates the NICS Improvement Amendments Act of 2007 (H.R. 2640),¹¹ which makes substantial improvements to the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information related to gun purchases between the States and the Federal Government, and this bill provides a comprehensive approach to correct those and other vulnerabilities within NICS.

The National Instant Criminal Background Check System was created with the passage of the Brady Handgun Violence Prevention Act of 1993 (P.L. 103–159), which mandated the creation of a national instant background check system. Under federal law, individuals are prohibited from possessing a firearm based on certain disqualifying information, such as being a convicted felon, a fugitive, a drug addict, committed to a mental institution, or an illegal alien.¹² Under the Brady law, a licensed firearm dealer is required

¹⁰The International Association of Campus Law Enforcement Associations (IACLEA) and campus police forces from around the country have strongly endorsed the creation of a National Center for Public Safety and the new matching grant program for institutions of higher education.

¹¹H.R. 2640 was passed by the House by voice vote on June 13, 2007, and reported to the Senate the next day.

¹²Under Section 922(g), it is unlawful to possess, ship, or receive a firearm in interstate commerce for any person (1) who has been convicted of a felony offense, (2) who is a fugitive from justice, (3) who is an unlawful user or addicted to any controlled substance, (4) who has been adjudicated a mental defective or has been committed to a mental institution, (5) who is illegally

to check NICS prior to any firearm transfer to make sure a person is not disqualified from possessing a firearm under federal law. Every year approximately 8 million such inquiries are made to NICS, and approximately 1.9% of potential buyers (896,000) are denied on the basis of disqualifying information. This is one of the primary tools for preventing felons and other disqualified persons from obtaining firearms.

The NICS system, however, is only as good as the records provided by federal and State authorities to its databases, and it continues to suffer from significant gaps. For example, more than 90 percent of disqualifying mental health records are not in NICS, and only two out of 50 States regularly report mental health records to NICS. Similarly, NICS has incomplete records or cannot access records electronically for many other categories of disqualifying information. This can cause significant errors and delays within NICS, and as many as 3,000 people each year pass the NICS check even though they are disqualified from possessing a firearm. This bill is needed to close those gaps and to improve the effectiveness of NICS.

This bill, for the first time, creates a legal regime where disqualifying mental health records, both at the State and federal level, will more effectively be reported into NICS. The bill requires all federal agencies to report mental health and all other disqualifying records to NICS, as well as regularly correct, update, and remove records as necessary to make NICS accurate. The bill also directs federal agencies to develop relief from disabilities programs so that those who recover from disqualifying mental health conditions, drug addiction, or who become citizens can be removed from NICS.

For the States, this bill creates significant incentives to report all disqualifying information to NICS and to improve the electronic, automated reporting of this information. The primary incentive is a waiver of a 10% matching requirement for federal grant money to improve NICS once a State reports 90% of its disqualifying records. The bill also provides two grant programs for States to improve their information sharing systems and to make sure their records are electronically available in NICS. The penalties are graduated over time to give the Attorney General the authority to withhold up to 5% of a State's Byrne grant funding if the States do not meet the 90% compliance target.

To accomplish these goals, the bill authorizes up to \$400 million a year for 5 years to give States the ability to make the costly technological improvements necessary to improve NICS. These resources are necessary to make sure federal and State government work in a partnership to improve NICS, and that States do not face unfunded mandates.

or unlawfully in the United States, (6) who has been dishonorably discharged from the military, (7) who has renounced their U.S. citizenship, (8) who is subject to a domestic violence restraining order, or (9) who has been convicted of a misdemeanor crime of domestic violence. See 18 U.S.C. §922(g). It is also unlawful for any person who has been indicted for a felony offense to ship, transport, or receive any firearm in interstate commerce. See 18 U.S.C. §922(n).

3. Equalization of benefits for public and private campus law enforcement

Many of the first responders to the Virginia Tech incident were campus safety officers.¹³ Their response demonstrated the critical role that campus safety plays as a first line of defense in protecting college and university campuses. Yet under current federal law, campus safety officers employed at private institutions of higher education do not have access to critical death and disability benefits or to life-saving devices to which their publicly-employed colleagues have access.

Title III of SSLEIA (the Equity in Law Enforcement Act) remedies the inequality between public and private safety officers by making sworn law enforcement officers who work for private institutions of higher education, as well as rail carriers, eligible for death and disability benefits, and for funds administered under the Byrne Grant program and the Bulletproof Vest Partnership program. Providing this equitable treatment is in the best interest of our nation's educators and students, and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities across the country.

4. Strategies for curbing school-based violence

The Virginia Tech incident also demonstrated that the Government must aggressively pursue the most effective strategies to reduce violence in schools beginning at the elementary school level, so that educators and law enforcement can better identify and prevent dangerous situations at our schools.

Title V of SSLEIA incorporates the PRECAUTION Act. The inclusion of the PRECAUTION Act in this bill reinforces the importance of incorporating crime prevention and intervention strategies into any crime-fighting plan, especially those directed at protecting our schools and children. This title creates a national commission to evaluate existing information on crime prevention and intervention strategies and identify those strategies that are most ready for replication in communities across the country, including school-based programs. In the course of its work, the national commission created by this provision will identify the most successful violence prevention and intervention strategies that schools can employ to prevent crime, and will issue a public report that local law enforcement and school boards can turn to when evaluating the most effective ways to keep their students safe.

In addition, this title directs the National Institute of Justice to administer a grant program to fund pilot programs in promising areas of crime prevention and intervention programming identified by the commission as meriting further research and development. This grant program will help develop the sorts of cutting-edge prevention and intervention programs that can be utilized in schools, and will result in a second report from the commission detailing the results of those pilot programs and how schools across the country can implement them. This title authorizes a total of \$24

¹³ See David Maraniss, "That Was the Desk I Chose to Die Under," *The Washington Post*, April 19, 2007 (identifying Virginia Tech Police Chief Wendell Flinchum as conducting the initial investigation into the early morning shootings).

million over five years for the commission's operations and the pilot programs. The PRECAUTION Act's endorsements include the National Sheriffs' Association, Fight Crime: Invest in Kids, the Wisconsin Chiefs of Police Association, the Council for Excellence in Government, the American Society of Criminology, and the Consortium of Social Science Associations.

5. Improvements to existing laws governing concealed carry permits and terrorist hoaxes

The bill makes changes to two existing laws—one establishing protocols governing when qualified active and retired law enforcement officers may lawfully carry concealed weapons across State lines, and the other improving on an existing terrorist hoax statute—which the Committee believes will also meaningfully improve the safety and security of the public.

Title IV of SSLEIA (the Law Enforcement Officers Safety Act of 2007) revises the procedure by which qualified retired law enforcement officers may be certified under existing law (18 U.S.C. § 926C) to carry concealed weapons across State lines. To accommodate varying administrative circumstances from State to State, the title adds flexibility to the way in which a retired qualified officer may obtain the required certification demonstrating that the individual has met active duty standards for concealed firearm carriage. For example, where a State law enforcement agency cannot conduct the required testing of a retired officer, that officer may obtain the testing and certification from a firearms instructor certified by the State to test active duty officers.

This title also amends existing law (18 U.S.C. §§ 926B, 926C) to clarify that Amtrak and executive branch police officers are law enforcement officers for purposes of LEOSA. Finally, this title reduces from 15 to 10 years the length of service requirement applicable to retired law enforcement officers seeking certification to carry concealed weapons, and no longer requires that an officer be entitled to “non-forfeitable” benefits for purposes of LEOSA.

Congress passed the 2003 bill in recognition of the fact that law enforcement officers are never off duty and face lasting dangers due to the nature of their profession. It serves the public when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and the public.¹⁴

Finally, Title VI of SSLEIA incorporates the Terrorist Hoax Improvements Act of 2007, which would improve current law relating to hoaxes about terrorist threats, and would strengthen and expand criminal penalties to punish hoaxes. Specifically, it (1) expands 18 U.S.C. § 1038, the terrorism hoax statute, so that it punishes hoaxes about any terrorist offense listed in section

¹⁴This is the second time this year that a bipartisan majority of the Judiciary Committee has voted to report favorably the provisions included in Title IV of the comprehensive bill. These provisions amend the Law Enforcement Officers Safety Act that the Judiciary Committee favorably reported, the Senate passed, and that Congress enacted in 2004. The supplemental views fail to identify even a single instance where the interstate privileges at the heart of LEOSA have produced negative results. Rather, the two tragic examples therein discussed conflate criminal intent and action with lawful firearms possession.

The reality is that 48 States have laws that permit some form of concealed firearms carriage for any eligible citizen. The clarifications of LEOSA in Title IV, which refine the existing interstate concealed carry privileges limited to trained law enforcement officers, cannot be said to greatly alter what the vast majority of States have already decided is an appropriate privilege for private citizens.

2332b(g)(5)(B) of title 18 (the U.S. Code’s official list of terrorist offenses); (2) increases the maximum penalties for hoaxes about the death or injury of a U.S. soldier during wartime; (3) expands current law’s civil liability provisions to allow first responders and others to seek reimbursement from a party who perpetrates a hoax and becomes aware that first responders believe that a terrorist offense is taking place but fails to inform authorities that no such event has occurred; and (4) clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a natural person. As evidenced by the aftermath of the Virginia Tech tragedy, colleges and universities must be able to respond to dangerous situations in an effective and disciplined way. This component of SSLEIA will deter hoaxes on campus and elsewhere, which will better enable first responders to do their jobs effectively.¹⁵

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION

A. LEGISLATIVE HISTORY OF SSLEIA COMPONENTS

1. *Title I—School Safety Improvements Act*

In 2000, Congress passed, and President Clinton signed into law, legislation including the Secure Our Schools grant program (P.L. 106–386). On February 17, 2007, Senator Boxer introduced in the Senate S. 677, titled the School Safety Enhancements Act of 2007, with seven co-sponsors. The bill would make improvements and increase funding to the Secure our Schools grant program. On April 25, 2007, Senator Boxer re-introduced the School Safety Enhancements Act of 2007 as S. 1217, with six co-sponsors, to include a higher education component.

In its first title, SSLEIA incorporates the K–12 component of S. 1217, with slight modifications. SSLEIA replaces the higher education component of S. 1217 with two new sections that address higher education safety needs within the Judiciary Committee’s jurisdiction.

2. *Title II—NICS Amendment Improvements Act of 2007*

On June 11, 2007, Representative Carolyn McCarthy introduced the NICS Improvement Amendments Act of 2007 (H.R. 2640), with 17 co-sponsors, in response to the incident at Virginia Tech in Blacksburg, Virginia. On June 13, 2007, the bill was passed by voice vote in the House.

3. *Title III—Equity in Law Enforcement Act*

On May 22, 2007, Senator Reed introduced the Equity in Law Enforcement Act, S. 1448. The Equity in Law Enforcement Act was incorporated in its entirety, unmodified, into Title III of SSLEIA.

4. *Title IV—Law Enforcement Officers Safety Act of 2007*

In 2004, Congress passed, and President Bush signed into law, the Law Enforcement Officers Safety Act of 2003 (P.L. 108–277). The Senate version of the bill (S. 253) was co-sponsored by 70 Sen-

¹⁵ A Committee Report for the Terrorist Hoax Improvements Act of 2007 was filed after that bill was first reported out of the Senate Judiciary Committee in May 2007. See Senate Report 110–061 (May 4, 2007).

ators and was reported out of the Judiciary Committee on March 6, 2003 by a vote of 18–1 (Senator Kennedy dissenting). It was agreed to in the House of Representatives by a voice vote on June 23, 2004, and passed by unanimous consent in the Senate on July 7, 2004. The President signed the Law Enforcement Officers Safety Act of 2003 into law on June 22, 2004.

The legislative history of the Law Enforcement Officers Safety Act of 2003 is recounted in Senate Report 108–029.

Chairman Leahy introduced S. 376, the Law Enforcement Officers Safety Act of 2007, on January 24, 2007. The bill was first listed on the Committee’s agenda on March 1, 2007. The measure was held over for a number of weeks until May 15, 2007, when the Committee reported the bill favorably by voice vote and without amendment. A Committee report on this bill has been filed as Senate Report 110–150. Its provisions were incorporated into Title IV of the bill.

5. Title V—*PRECAUTION Act*

Senators Feingold and Specter introduced the PRECAUTION Act, S. 1521, on May 24, 2007. The PRECAUTION Act was incorporated into Title V of the bill.

6. Title VI—*Terrorist Hoax Improvements Act*

Senator Kennedy introduced the Terrorist Hoax Improvements Act of 2007, S. 735, on April 2, 2007, with six co-sponsors.¹⁶ The bill was first listed on the Judiciary Committee’s agenda on April 12, 2007, and the Committee adopted an amendment in the nature of a substitute to the bill without objection. A Committee report on this bill has been filed as Senate Report 110–61. The bill has been reported to the full Senate and its provisions are incorporated into Title VI of the bill.

B. LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION OF SSLEIA

On August 2, 2007, the Committee originated the School Safety and Law Enforcement Improvement Act of 2007 as an original bill in the Senate Judiciary Committee. The bill was first listed on the Committee’s agenda on July 5th. The Committee considered the bill on August 2nd, a quorum was present, and the Committee voted unanimously to order the bill to be reported to the Senate, as amended.

During the Committee’s consideration of the bill, 10 amendments were offered. Six amendments received a roll call vote. Four amendments were adopted without objection. The amendments are noted below, with an asterisk indicating a vote by proxy.

Senator Hatch offered an amendment to reduce the federal matching share for the K–12 and higher education grant programs contained in Title I from 80% to 50%, and the amendment was accepted on a rollcall vote. The vote record is as follows:

¹⁶There was no hearing on this bill in Committee, but on September 13, 2004, the Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security held a hearing where witnesses testified about the need for strong federal laws to punish hoaxes about terrorist threats. The Justice Department witness commented at the hearing that as a result of post-9/11 hoaxes, “[m]any people were inconvenienced, and emergency responders were forced to waste a great deal of time and effort.”

Yeas (10): Brownback (Kan.), Coburn (Okla.), Cornyn (Texas),* Feinstein (Calif.),* Graham (S.C.),* Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Sessions, J. (Ala.), Specter (Pa.).

Nays (9): Biden (Del.),* Cardin (Md.), Durbin (Ill.), Feingold (Wis.), Kennedy, E. (Mass.), Kohl (Wis.),* Leahy (Vt.), Schumer (N.Y.), Whitehouse (R.I.).*

Senator Kennedy offered an amendment to require the use of “microstamping” technology by manufacturers of certain firearms. This technology purports to be a superior identifier of handguns to traditional serial numbers. The amendment was rejected on a roll call vote. The vote record is as follows:

Yeas (8): Biden (Del.),* Cardin (Md.),* Durbin (Ill.), Feinstein (Calif.),* Kennedy, E. (Mass.), Kohl (Wis.),* Schumer (N.Y.), Whitehouse (R.I.).

Nays (11): Brownback (Kan.), Coburn (Okla.), Cornyn (Texas),* Feingold (Wis.), Graham (S.C.), Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Leahy (Vt.), Sessions, J. (Ala.), Specter (Pa.).

Senator Kennedy offered an amendment that would have altered and restricted the eligibility requirements for officers to be certified for interstate firearms carriage under LEOSA. The amendment was rejected on a rollcall vote. The vote record is as follows:

Yeas (9): Biden (Del.),* Cardin (Md.),* Durbin (Ill.), Feingold (Wis.), Feinstein (Calif.),* Kennedy, E. (Mass.), Kohl (Wis.),* Schumer (N.Y.), Whitehouse (R.I.).

Nays (10): Brownback (Kan.), Coburn (Okla.), Cornyn (Texas), Graham (S.C.), Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Leahy (Vt.), Sessions, J. (Ala.),* Specter (Pa.).

Senator Kennedy offered an amendment that would have restricted the range of standards by which a retired officer could be certified for interstate firearms carriage under LEOSA. The amendment was rejected on a rollcall vote. The vote record is as follows:

Yeas (6): Coburn (Okla.), Cardin (Md.), Feingold (Wis.),* Kennedy, E. (Mass.), Kohl (Wis.),* Whitehouse (R.I.).

Nays (13): Biden (Del.),* Brownback (Kan.), Cornyn (Texas), Durbin (Ill.), Feinstein (Calif.),* Graham (S.C.), Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Leahy (Vt.), Schumer (N.Y.),* Sessions, J. (Ala.), Specter (Pa.).

Senator Kyl offered an amendment that would have reduced the amount of authorized funding for the improvement of NICS. The amendment was rejected on a rollcall vote. The vote record is as follows:

Yeas (9): Brownback (Kan.), Coburn (Okla.), Cornyn (Texas), Graham (S.C.), Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Sessions, J. (Ala.), Specter (Pa.).

Nays (10): Biden (Del.),* Cardin (Md.), Durbin (Ill.), Feingold (Wis.),* Feinstein (Calif.),* Kennedy, E. (Mass.), Kohl (Wis.),* Leahy (Vt.), Schumer (N.Y.),* Whitehouse (R.I.).

Senator Coburn offered an amendment that would have prohibited the Attorney General from waiving a State’s 50–50 matching requirement for school safety funding. The amendment was rejected on a rollcall vote. The vote record is as follows:

Yeas (9): Brownback (Kan.), Coburn (Okla.), Cornyn (Texas),* Graham (S.C.), Grassley (Iowa), Hatch (Utah), Kyl (Ariz.), Sessions, J. (Ala.), Specter (Pa.).

Nays (10): Biden (Del.),* Cardin (Md.), Durbin (Ill.), Feingold (Wis.),* Feinstein (Calif.),* Kennedy, E. (Mass.), Kohl (Wis.),* Leahy (Vt.), Schumer (N.Y.),* Whitehouse (R.I.).

Senator Feinstein offered an amendment to Title II clarifying that a department or agency may provide information about persons who have been adjudicated to be mentally incompetent to stand trial, or who were acquitted by reason of insanity, to the Attorney General. The amendment was accepted without objection.

Senator Coburn offered an amendment to Title II clarifying that all NICS reports be available to U.S. Immigration and Customs Enforcement, and the amendment was accepted without objection.

Senator Kennedy offered an amendment to Title III mandating a Government Accountability Office study of qualified active and retired law enforcement officers carrying concealed weapons, and the amendment was accepted.

Finally, Senator Kyl offered an amendment to attach the Terrorist Hoax Improvements Act of 2007 (S. 735) to the original bill, and the amendment was accepted and added to the bill at Title VI.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Sec. 1. Short title and table of contents

This section provides that the legislation may be cited as the “School Safety and Law Enforcement Improvement Act of 2007.”

Title I, Sec. 101. Short title

This section provides that the legislation may be cited as the “School Safety Enhancements Act.”

Subtitle A—Elementary and Secondary Education Safety Enhancements

Sec. 111. Grant program for school security

This section expands the “Secure Our Schools” grant program for elementary and secondary schools to add to the list of acceptable uses of surveillance equipment, hotlines and tip lines, and capital improvements. It also creates an interagency task force to develop advisory guidelines for schools, and mandates collaboration between school professionals and law enforcement in making grant applications. Finally, this section increases the amount of funding allowed for school safety grants to \$50 million for fiscal years 2008 and 2009.

Sec. 112. Applications

This section provides that grant applications must be accompanied by a report prepared in consultation with senior school professionals and senior law enforcement officers demonstrating that the proposed use of grant funds will be effective, consistent with the program’s objectives, and individualized to the needs of each school district.

Sec. 113. Authorization of appropriations

This section strikes the existing authorization of \$30,000,000 and replaces it with an increased authorization of \$50,000,000 for fiscal years 2008 and 2009.

Subtitle B—Campus Public Safety Enhancement

Sec. 121. National Center for Campus Public Safety

This section authorizes the Attorney General, through the Office of Community Oriented Policing Services, to award grants for the creation of a National Center for Campus Public Safety. The section sets forth the objectives for the National Center, provides for interagency collaboration on the National Center's creation, and funds the National Center at \$2.75 million for fiscal years 2008 and 2009.

Sec. 122. Grants for campus law enforcement

This section authorizes the Attorney General, through the Office of Community Oriented Policing Services, to make grants to institutions of higher education or consortia of such institutions for the purpose of improving security at those institutions. The section provides for the federal share to be set at 50% of costs, and includes a waiver provision for grant applicants with financial need. The section sets forth the application criteria, specifies the permissible uses of funds, provides for an annual report from the Attorney General to Congress on activities under the program, and provides for \$50,000,000 in funding for fiscal years 2008 and 2009.

Title II, Sec. 201. Short title

This section provides that the legislation may be cited as the "NICS Improvement Amendments Act of 2007."

Sec. 202. Findings

This section summarizes the Congressional findings supporting the need for this legislation. In particular, Congress finds that more than 20,000,000 criminal records are not currently accessible by the NICS and, even though the NICS is automated, there can be delays where records are not electronically available to the FBI or other authorities. Congress also finds that the NICS system can be improved by creating more automated access to disqualifying records.

Sec. 203. Definitions

This section defines the terms consistent with their meanings in Sections 921 and 922 of Title 18, as well as the current federal regulations implementing those sections.

Subtitle A—Transmittal of Records

Sec. 211. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System

Sec. 211(a). In General. This sub-section amends the Brady Handgun Violence Prevention Act (18 U.S.C. §922 note) to require federal agencies, at the request of the Attorney General, to provide disqualifying information under Sections 922(g) and 922(n) of Title 18, in electronic form. This section also requires federal agencies to provide disqualifying information, and any updates, corrections, modifications, or removals of such information no less than quarterly each year. Under this section, the Attorney General must also

provide an annual report to Congress describing compliance with these provisions.

Sec. 211(b). *Provision and Maintenance of NICS.* This sub-section requires the Secretary of the Department of Homeland Security to provide disqualifying information, as well as any changes in a person's legal status, quarterly each year to the Attorney General. This section also directs the Attorney General to ensure that the NICS system is maintained accurately and confidentially, consistent with all applicable laws, to provide for the timely removal and destruction of obsolete or erroneous information in the NICS system, and to work with States to improve their computer systems for prompt notification of disqualifying information.

Sec. 211(c). *Standard for Adjudications, Commitments and Determinations Related to Mental Health.* This sub-section restricts federal departments and agencies from reporting any disqualifying mental health records if any of the following occur: the disqualifying adjudication, determination, or commitment has been set aside or expunged or the person has been fully released from all mandatory treatment, supervision, or monitoring; the person has been found by a court, commission, or other lawful authority to no longer suffer from the disqualifying mental health condition; the disqualifying adjudication, determination, or commitment does not contain a finding that the person is a danger to himself or others, or that the person lacks the mental capacity to manage his own affairs, except that neither this provision, nor any other provision of law, shall prevent the reporting of adjudications or determinations of mental insanity or mental incompetence to stand trial in a criminal or military court proceeding. This section also requires federal departments and agencies to establish relief from disability programs for persons disqualified under Sections 922(d)(4) and 922(g)(4). Such programs shall provide relief and judicial review consistent with Section 925(c) of Title 18. Where a disqualifying mental health record does not meet the requirements of this law, it is deemed not to exist for purposes of Section 922(d)(4) and 922(g)(4).

Sec. 211(d). *Information Excluded From NICS Records.* This sub-section directs that no federal department or agency may provide a disqualifying mental health record to NICS unless that record contains an adjudication, determination, or commitment that includes a finding that the person is a danger to himself or to others or that the person lacks the mental capacity to manage his own affairs. This is consistent with the current regulations interpreting Section 922(g)(4) of Title 18 found at 27 C.F.R. § 478.11. This provision shall apply retroactively.

Sec. 212. Requirements to obtain waiver

Sec. 212(a). *In General.* This sub-section provides that States shall be eligible for a waiver of the 10 percent matching requirement for grants under the National Criminal Identification Technology Act of 1988 (42 U.S.C. § 14601) if a State provides 90 percent of the information described in Section 212(c).

Sec. 212(b). *State Estimates.* In order to assist the Attorney General in determining whether to grant waivers or impose penalties under this law, this sub-section requires States to provide the Attorney General with a reasonable estimate of the number of dis-

qualifying records applicable to each State within 180 days of the passage of this law. If a State fails to provide such an estimate, they cannot receive funds under Section 213. In making this estimate, records are defined consistent with the disqualifying factors of Section 922(g)(1–4) and 922(g)(8–9). For purposes of evaluating compliance under this law, the Attorney General shall only assess the total percentage of records within the 20 prior years, though States shall nonetheless endeavor to report disqualifying records regardless of time limit.

Sec. 212(c). Eligibility of State Records for Submission to the National Instant Criminal Background Check System. To be eligible for the waiver in Section 212(a), this sub-section requires States to make disqualifying records electronically available to the Attorney General and to update, correct, modify, or remove records from NICS that are no longer disqualifying. To remain eligible for the waiver, States must certify that they continue to have 90 percent compliance in reporting disqualifying records to NICS. The States shall also make available to the Attorney General records relevant to determinations that a person has been convicted of a misdemeanor crime of domestic violence, including the specific law violated. In the case of individuals disqualified for mental health reasons, only the names and identifying information of those individuals shall be made available.

Sec. 212(d). Privacy Protections. For any disqualifying information submitted to the NICS system, this sub-section directs the Attorney General to work with States, local law enforcement, and the mental health community to establish regulations and protocols to protect the privacy of information provided to NICS.

Sec. 212(e). Attorney General Report. This sub-section directs the Attorney General to submit a report to the House and Senate Judiciary Committees on the progress of the States in automating the disqualifying records reported to NICS.

Sec. 213. Implementation assistance to States

This section provides that the Attorney General shall make grants to States and Indian tribal governments, in conjunction with local government and its courts, to establish and upgrade information and identification technologies reported into NICS. The grants may only be used to assist States in creating electronic systems to provide accurate and timely information to the NICS system and to collect and analyze data for assessing compliance. States must have a relief from disabilities program consistent with Section 215 to receive grants, and shall agree to the conditions of the grants. The bill authorizes \$400 million for each of the fiscal years 2009 through 2013 to carry out this section, and the Attorney General shall endeavor to provide one half of the funds to States providing more than 50 percent of the records required by Section 212 and 213 in the first three years of funding, and one half of the authorized funding to States providing more than 70 percent of the same records in the last two years of funding. Ultimately, the Attorney General shall have discretion to make adjustments to the funding to distribute the grants as necessary to maximize incentives for State compliance. The FBI shall not charge a user fee for background checks under NICS.

Sec. 214. Penalties for noncompliance

This section requires the Attorney General to file annual reports to the House and Senate Judiciary Committees on the progress of States in automating disqualifying records reported to NICS. For a two year period beginning three years after this law is enacted, the Attorney General has the discretion to withhold not more than 3 percent of the grant funds States receive pursuant to Section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3755) if a State provides less than 50 percent of the disqualifying records under Sections 212 and 213. For the subsequent five year period, the Attorney General may withhold not more than 4 percent of the same funds if a State provides less than 70 percent of the disqualifying records under Section 212 and 213. At the conclusion of that period, the Attorney General shall withhold not more than 5 percent of the same funds if a State provides less than 90 percent of the disqualifying records under Sections 212 and 213. The Attorney General may waive these penalties if a State provides substantial evidence that a State is making reasonable efforts to comply with the requirements of Sections 212 and 213, including any inability to comply due to court order or other legal restriction. In calculating compliance, the Attorney General shall determine the methodology and shall base compliance on the total number of records reported by States from all subcategories of disqualifying information.

Sec. 215. Relief from disabilities program required as condition for participation in the grant programs

This section describes the State relief from disabilities program for persons disqualified for mental health reasons. The relief programs need to allow such persons to apply for relief under State law, and provide that a State court, board, commission, or other lawful authority only grant relief pursuant to State law, in accordance with due process, and if the circumstances regarding the disability and the person's record and reputation are such that the person will not be likely to act in a manner dangerous to public safety and granting relief would not be contrary to the public interest. The relief from disabilities program must also permit de novo judicial appeal of any denial of relief to a State court of appropriate jurisdiction.

Sec. 216. Illegal immigrant gun purchase notification

This section provides that NICS records relevant to whether a person is prohibited from possessing a firearm as an illegal alien will be made available to the U.S. Immigration and Customs Enforcement and the Attorney General shall promulgate guidelines as to what records shall be provided.

Subtitle B—Focusing Federal Assistance on the Improvement of Relevant Records

Sec. 221. Continuing evaluations

This section directs the Director of the Bureau of Justice Statistics to study and evaluate the operations of the NICS system, including the State estimates under Section 212(b), and report to Congress annually. The Director shall also make a report of best

practices in collecting, maintaining, automating, and transmitting records into the NICS system and provide it to the States and Congress annually.

Subtitle C—Grants to State Court Systems for the Improvement in Automation and Transmittal of Disposition Records

Sec. 231. disposition records automation and transmittal improvement grants

This section provides for the Attorney General to award grants to State court systems to improve their automation and transmittal of criminal histories and other disqualifying records. These funds may only be used to assess the court systems and implement the policies, systems, and procedures for the automation and transmittal of disqualifying records. States must have a relief from disabilities program pursuant to Section 215. This section authorizes \$125 million for each of the fiscal years 2008 through 2010 to carry out these purposes.

Subtitle D—GAO Audit

Sec. 241. GAO audit

The Comptroller General of the United States shall conduct an audit of the funds expended under this law and shall submit this report to Congress.

Title III, Sec. 301. Short title

This section provides that this title may be cited as the “Equity in Law Enforcement Act”.

Sec. 302. Line-of-duty death and disability benefits

This section amends Section 1204(8) of part L of the Omnibus Crime Control and Safe Street Act of 1968 to make sworn law enforcement officers serving at private institutions of higher education, as well as sworn officers employed by rail carriers eligible for death and disability benefits provided under that law.

Sec. 303. Law enforcement armor vests

This section amends Section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 to make sworn law enforcement officers serving at private institutions of higher education, as well as sworn officers employed by rail carriers eligible for grants to provide such officers with armor vests.

Sec. 304. Byrne grants

This section amends Section 501(b)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to make sworn law enforcement officers serving at private institutions of higher education, as well as sworn officers employed by rail carriers eligible for Byrne Grants.

Title IV, Sec. 401. Short title

This section provides that this title may be cited as the “Law Enforcement Officers Safety Act of 2007.”

Sec. 402. Amendments to law enforcement officers safety provisions of title 18

This section adds a subsection to 18 U.S.C. § 926B making explicit that Amtrak police and executive branch law enforcement officers are included under the statute regulating concealed weapons carrying by active duty officers.

Sec. 403.

This section amends 18 U.S.C. § 926C to reduce to 10 years, from 15 years, the duration of service as a law enforcement officer required in order to qualify to carry a concealed weapon once retired. Section 2(b)(1)(B) eliminates the requirement that a qualified retired law enforcement officer have a non-forfeitable right to retirement benefits and expands the list of organizations qualified to certify the retired officer's firearms training. Section 2(b)(1)(C) renumbers certain paragraphs.

This section also clarifies language describing the identification qualified retired officers are required to carry. Section 2(b)(2)(B) allows instructors who conduct firearms qualification tests on active duty officers to also certify retired officers.

Finally, this section adds a subsection making explicit that Amtrak police and executive branch law enforcement officers are included under the statute regulating concealed weapons carrying by retired officers.

Title V, Sec. 501. Short title

This section provides that this title may be cited as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods (PRECAUTION) Act of 2007."

Sec. 502. Purposes

This section sets forth the legislative purposes, which include a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies.

Sec. 503. Definitions

This section defines key terms in the bill.

Sec. 504. National Commission on Public Safety Through Crime Prevention

The Commission will be made up of nine members, selected on a bipartisan basis by the President and members of both parties in Congress. Commissioners will include law enforcement practitioners and social scientists. Representatives of pertinent DOJ offices will also serve in an ex officio basis. The Commission will examine the effectiveness of prevention and intervention strategies in school settings, family and community settings, and law enforcement settings. The Commission must issue an initial report that relays the results of its examination and identifies for State and local law enforcement: (1) a discrete set of top-tier prevention and intervention strategies that are supported by scientifically rigorous evidence; and (2) key steps for implementing these top-tier strategies. Based upon their comprehensive study, the Commission will make recommendations to the National Institute of Justice (NIJ)

about the types of strategies it would prefer to see funded under the grants provided for in Section 505. The Commission will issue a second report, detailing the strategies selected by the NIJ for grants under Section 505, the observations of the Commission on the implementation of these strategies, and the results of the three-year studies evaluating the effectiveness of the strategies. Finally, travel costs are covered for Commissioners (who are not otherwise compensated for service), full-time staff may be hired (with compensation for the executive director fixed to the General Schedule pay rates), and federal employees may be assigned as details to the Commission. A total of \$5 million is authorized for the five years of the Commission's existence.

Sec. 505. Innovative crime prevention and intervention strategy grants

The National Institute of Justice (NIJ) is authorized to make grants for pilot projects in crime intervention and prevention. Grants are to be made for a three-year period. \$18 million is authorized for grants, with individual grants not to exceed \$2 million dollars. Grants must include a set-aside for implementation of a NIJ-approved and scientifically rigorous study of the effectiveness of the program. Grants must be evenly distributed among school settings, family and community settings, and law enforcement settings. The NIJ Director is to hire or assign a full-time employee to oversee the grants under Section 505, to monitor implementation of the approved study design, and to act as the liaison between the grant recipient and the Commission. Grant recipients are required to cooperate with the Commission's request for information regarding the progress of implementation and the study of effectiveness. The bill authorizes \$150,000 per year to cover the cost of employment for this dedicated staff person.

Title VI, Sec. 601

This section provides that the legislation may be cited as the "Terrorist Hoax Improvements Act of 2007."

Sec. 602. Improvements to the terrorist hoax statute

This section expands 18 U.S.C. § 1038, the terrorist hoax statute, so that it punishes hoaxes about any terrorist offense listed in 18 U.S.C. § 2332b(g)(5)(B). In addition, the bill increases the maximum penalties for hoaxes about the death or injury of a U.S. soldier during wartime. The bill also expands existing civil liability provisions to allow first responders and other emergency personnel to seek reimbursement from a party who perpetrates a hoax and becomes aware that first responders believe that a terrorist offense is taking place, but fails to inform authorities that no such event has occurred. Finally, the bill clarifies that threatening communications are punishable under federal law even if they are directed at an organization rather than a natural person.

IV. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available for inclusion in this report. The estimate will be

printed in either a supplemental report or the Congressional Record when it is available.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. ____, the School Safety and Law Enforcement Improvement Act of 2007.

VI. CONCLUSION

Passage of the School Safety and Law Enforcement Improvement Act, S. ____, will enlist the States as partners in the dissemination of critical information about the purchases of firearms, will distribute federal dollars to improve the safety and security of our schools from kindergarten through the college and university level, will provide equitable benefits to campus safety officers protecting private colleges and universities, and will effectively evaluate and implement crime prevention programs in school settings and elsewhere. The bill also makes improvements to two existing laws by ensuring that law enforcement officers may answer the call of duty wherever they may be by clarifying the scope of concealed carry laws, and by strengthening the federal terrorist hoax statute to punish disruptive and costly “false alarms” that can create turmoil in schools and on college campuses.

In reporting the bill, the Senate Judiciary Committee has demonstrated its desire to address and prevent violence in our nation’s schools, improve the resources available to law enforcement, and enact measures to protect our nation’s most valuable resource: its young people.

VII. SUPPLEMENTAL VIEWS

OPPOSING VIEWS OF SENATOR EDWARD M. KENNEDY

I oppose Title IV of the School Safety and Law Enforcement Improvements Act, which amends the Law Enforcement Officers Safety Act of 2004.

Title IV is a serious step in the wrong direction and will undermine the safety of our communities and our police officers by further overriding state and local gun-safety laws. It will also weaken the ability of police departments to enforce rules and policies on when and how their own officers can carry firearms. Because of the substantial danger of the LEOSA Amendment to police officers and communities, it is vigorously opposed by the International Association of Chiefs of Police and the National Sheriffs' Association.

A. THE LEOSA AMENDMENT WILL FURTHER WEAKEN THE ABILITY OF STATES AND LOCAL GOVERNMENTS TO REGULATE FIREARMS IN THEIR COMMUNITIES

Every year, thousands of our fellow citizens are killed by guns. The devastating tragedy that occurred at Virginia Tech last April shocked the nation. The country was united in extending our deepest condolences and prayers to the students, faculty, and families affected by the brutal crime. Many of the victims were young men and women in the prime of their lives. They were sons and daughters, brothers and sisters, friends and neighbors. Yet, as part of this measure, the Committee has approved this ill-conceived measure to allow even more people to carry concealed weapons in our communities. The overall rate of firearm deaths among children is nearly twelve times higher in the United States than in other industrial countries. These deaths are senseless, and we all know that the vast majority of them could be prevented by sensible gun laws. It is shameful that we are not doing more in Congress to achieve gun safety and reduce gun violence. The "gun show loophole," which allows firearms to be purchased illegally at gun shows, should have been closed long ago, and there are many other steps that Congress should take to protect citizens from the scourge of gun violence.

At the very least, Congress should refrain from interfering with gun-safety laws enacted by states and local governments. Before LEOSA was enacted in 2004, each state had the authority to decide what kind of concealed-carry law, if any, best fit the needs of its communities. But the 2004 Act took away the ability of state and local police departments to enforce rules and policies on when and how their own officers can carry weapons. If we are going to amend the Act, we should give back the power of local police to run their

own departments, not further undermine their ability to protect their citizens.

No evidence supported the need for the law when it was first enacted. States and local governments adequately met the interests and needs of their active duty and retired law enforcement officers. Consider, for example, New Jersey law. In 1995, retired police Chief John Deventer was shot and killed while heroically trying to stop a robbery. His death prompted New Jersey to enact a law allowing retired officers to carry handguns under a number of conditions. In drafting this law, the New Jersey legislature made a deliberate effort to balance the safety of police officers with the safety of the public, by including a number of important safeguards not contained in LEOSA. For example:

- The New Jersey law is limited to handguns. LEOSA is not.
- The New Jersey law has a maximum age of 70. LEOSA does not.
- Under New Jersey's law, retired police officers must file renewal applications every year. There is no application process under LEOSA.
- The New Jersey law requires retirees to list all their guns. No such record is required under LEOSA.
- The New Jersey law gives a police department the discretion to deny permits to retirees. No such discretion is provided under LEOSA.

By enacting LEOSA, Congress essentially eliminated all of the safeguards in the New Jersey statute, as well as the judgment of other states that have considered this issue. We had no evidence of the need for this legislation in 2004, and we have none now. It is critical that our policies be guided by research and evaluation, which is why I introduced an amendment adopted by unanimous consent at the August 2nd Judiciary Committee meeting to require the Government Accountability Office to conduct a study of the number of active and retired law enforcement officers who carry concealed firearms under the provisions established by LEOSA. It would have made more sense to conduct a study prior to enacting legislation that puts more guns on the street.

In the 1990's, Boston, New York, and other cities made substantial progress in the war on crime, precisely because they were able to pass laws that addressed the factors that lead to violence - including the prevalence of firearms in inner cities. As Congressman Henry Hyde has said, "the best decisions on fighting crime are made at the local level." By overriding all local gun-safety laws, LEOSA compromised the ability of cities to fight crime. Congress has no business overriding the judgment of states and local governments in deciding whether concealed weapons should be prohibited.

The LEOSA Amendment neither promotes consistent training policies among different police jurisdictions nor limits the conditions under which officers may use their firearms. The idea that more crimes will be prevented when more concealed weapons are carried by untrained and unregulated out-of-state, off-duty and retired officers is pure fiction. The International Association of Chiefs of Police (IACP), one of the oldest and largest associations of law enforcement executives, has identified the dangers of this legislation in a recent letter to the Committee,

Title IV would severely weaken the eligibility and training requirements for retired police officers to carry concealed weapons. The IACP believes that states and localities should have the right to establish standards that determine who is eligible to carry firearms in their communities * * * Specifically, the provisions of Title IV would mandate that, in the absence of state standards, the standards set by any police department within the state would become the de facto standard for the entire state.

For example, in the absence of state standards:

- The standards for Vermont could be set by the Fairlee Police Department (one sworn officer);
- The standards for Pennsylvania could be set by the Dauphin Police Department (two sworn officers);
- The standards for Illinois could be set by the Cordova Police Department (one sworn officer);
- The standards for California could be set by the Etna Police Department (two sworn officers);
- The standards for Massachusetts could be set by the Brookfield Police Department (one sworn officer).

For these and other reasons, the IACP concluded that Title IV of this measure “would undercut the ability of state and local law enforcement agencies to determine what standards best meet the needs of the departments and the communities they serve.”

Law enforcement leaders face extremely difficult challenges today. With crime rates on the rise again and new concerns about domestic security, police chiefs are forced to do more with less. The weak economy has forced cities and states to cut back on funding for law enforcement. The Administration’s budget proposes to eliminate all federal funding for such vital programs as the COPS Universal Hiring Program, the Byrne Grant Program, and the Local Law Enforcement Block Grant Program. The last thing Congress should do now is pass a bill that expands the civil liability of police departments and nullifies the ability of police chiefs to regulate their own officers’ use of firearms and maintain discipline.

Those who want to amend LEOSA have offered no evidence that states and local governments are unable or unwilling to decide these important issues for themselves. They have offered no explanation why Congress is better suited than states, cities, and towns to decide how to best protect police officers, schoolchildren, churchgoers, and other members of their communities. Congress should bolster, not undermine, the efforts of states and local governments to protect their citizens from gun violence.

LEOSA has also jeopardized most “safe harbor” laws at the state level by essentially overriding laws that categorically prohibit guns in churches and other houses of worship, since only laws that permit private entities to post signs prohibiting concealed firearms on their property remain in force. In most states, churches are not currently required to post signs in order to have a gun-free zone.

LEOSA has even preempted laws that prohibit concealed weapons in places where alcohol is served. Surely, it is reasonable for a state to prohibit individuals from bringing guns into bars, to prevent the extreme danger that results when liquor and firearms come together. Yet Congress allowed this legislation to go forward

and now this measure will make it even easier for a retired officer to get a gun—regardless of state and local laws. Let's not compound that mistake by further damaging firearms laws.

B. LEOSA WILL UNDERMINE THE SAFETY OF OUR COMMUNITIES AND
THE SAFETY OF POLICE OFFICERS

Title IV will also allow less qualified retired officers to carry concealed weapons. The provision changes the service requirement from a retired officer who was regularly employed for an aggregate of fifteen years or more to a retired officer who served for ten years. The measure also strikes the provision that requires a retired officer to have obtained a non-forfeitable right to benefits under the agency's retirement plan. These changes erode the few safeguards in the original Act. Greater numbers of less qualified officers will now be able to legally carry concealed weapons, making local communities even more dangerous. That is why I introduced an amendment at the August 2nd Judiciary Committee meeting to emphasize that nothing in LEOSA should be construed to limit or supersede state or local laws that prohibit or restrict the possession of a concealed firearm by an officer who has retired under threat of disciplinary action, who has been dismissed for emotional problems, who leaves the force prior to a disciplinary or competency hearing, or who, after retiring, becomes unfit to carry a concealed weapon. Unfortunately, the Committee rejected this amendment by a vote of 9 to 10.

Make no mistake. There are numerous cases in which both active duty and retired officers have used firearms with deadly consequences. Recently, a Prince George's County police officer and former Homeland Security official was indicted in August 2007 on charges of murder and attempted murder. The officer fired on two unarmed delivery men last January, killing one and seriously wounding the other. The same officer was charged in a second gun-related case after he pulled a gun on a real estate appraiser who accidentally knocked on his door. In another disturbing case, a retired New York Police Department police officer was charged with shooting and killing his ex-wife. There's no question that such incidents will increase if this legislation becomes law, allowing less qualified officers who do not receive ongoing training to carry concealed weapons. As the National Sheriff's Association pointed out in a letter of February 28, 2007, " * * * carrying a firearm is a privilege that is bestowed upon those retired law enforcement officers that have dedicated their lives to protect the safety of our citizens, and when considering the expansion of such a privilege we must not act hastily."

There is not even a requirement in the LEOSA Amendment that a retiree demonstrate a special need for a firearm. LEOSA provides that an officer must have technically left law enforcement in "good standing," but it is clear that sub-par government employees are often routinely released from their positions without a formal finding of misconduct. The bill does not draw a distinction between officers who served ably and those who did not. Officers who retire in "good standing" while under investigation for domestic violence, racial profiling, excessive force, or substance abuse could still qualify for broad concealed-carry authority for the remainder of their lives.

I introduced an amendment at the August 2nd Judiciary Committee meeting to require stricter standards, so that only truly competent persons could qualify to carry concealed firearms. The Committee rejected the amendment by a vote of 6 to 13.

Congress should also support emerging technologies, such as microstamping, which can allow law enforcement to make use of evidence left at crime scenes. Microstamping uses lasers to make precise, microscopic engravings on the firing pin and chamber of a weapon, which are transferred onto the cartridge casing when the weapon is fired. The process transfers the gun's make, model and serial number to the casing, which can yield important information to law enforcement officers investigating crimes. This technology would substantially improve law enforcement's ability to act quickly to identify and link shell casings found at a crime scene to the individual handgun from which it was fired. In fact, microstamping may have enabled investigators of the Virginia Tech shooting to identify the perpetrator more quickly, by analyzing microstamped markings on the casings left behind at the first crime scene. At the August 2nd Committee Meeting, I offered an amendment to require certain firearms manufactured, imported or sold by Federal firearms licensees to be capable of microstamping ammunition. The Committee failed to approve the amendment by a vote of 8 to 11.

C. CONCLUSION

Each state and local government should be allowed to make its own judgment as to when citizens and out-of-state visitors may carry concealed weapons—and whether active or retired law enforcement officers should be included in or exempted from any prohibition. In the words of the International Association of Chiefs of Police, it is “essential that state and local governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.”

Allowing greater numbers of less qualified off-duty or retired officers with concealed weapons to go into other jurisdictions will only make conditions more dangerous for police officers and civilians. As the Executive Director of the IACP explained in a letter of March 7, 2007:

The ability of law enforcement agencies to establish, implement, and maintain firearms standards and training requirements varies greatly from state to state and from jurisdiction to jurisdiction. Some jurisdictions have developed rigorous training programs and have established strict standards of accountability and stringent firearms policies while other jurisdictions have not. This legislation would undercut the ability of state and local law enforcement agencies to determine what standards best meet the needs of the departments and the communities they serve.

LEOSA will unnecessarily damage the efforts of states and local governments to protect their citizens from gun violence. It will also expose state and local governments to unnecessary liability and nullify the ability of police chiefs to maintain discipline and control within their own departments. I regret that the Committee did not adopt the amendments I offered to correct the bill's most serious

flaws. The nation will be better served if Congress puts aside this misguided effort to further weaken state and local control over concealed carry laws, and turns its attention instead to measures we know will reduce crime and improve the safety of police officers and all Americans.

TED KENNEDY.

VIII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. ____, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

PART I—CRIMES

* * * * *

CHAPTER 42—EXTORTION AND CREDIT TRANSACTIONS

* * * * *

SEC. 877. MAILING THREATENING COMMUNICATIONS FROM FOREIGN COUNTRY.

Whoever knowingly deposits in any post office or authorized depository for mail matter of any foreign country any communication addressed to any person within the United States, for the purpose of having such communication delivered by the post office establishment of such foreign country to the Postal Service and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post office establishment of such foreign country to the Postal Service and by it delivered to the address to which it is directed in the United States, and containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined under this title or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits as aforesaid, any communication for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits as aforesaid, any communication, for the purpose aforesaid, containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined under this title or imprisoned not more than two years, or both.

For purposes of this section, the term “addressed to any person” includes an individual, a corporation or other legal person, and a government or agency or component thereof.

CHAPTER 44—FIREARMS

* * * * *

SEC. 922. NOTE.

* * * * *

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

* * * * *

(e) ADMINISTRATIVE PROVISIONS

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION. **[Notwithstanding]**

(A) *IN GENERAL.*—*Notwithstanding* any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code **[subsec. (g) or (n) of this section]**, or State law, as is necessary to enable the system to operate in accordance with this section. **[On request]**

(B) *REQUEST OF ATTORNEY GENERAL.*—*On request* the Attorney General, the head of such department or agency shall **[furnish such information]** *furnish electronic versions of the information described under subparagraph (A) to the system.*

(C) *QUARTERLY SUBMISSION TO ATTORNEY GENERAL.*—*If a department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.*

(D) *INFORMATION UPDATES.*—*The agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—*

(i) *update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; or*

(ii) *notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.*

(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.

* * * * *

SEC. 926B. CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS.

* * * * *

(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration for, any violation of the law, and has statutory powers of arrest

* * * * *

SEC. 926C. CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS

* * * * *

(c) As used in this section, the term “qualified retired law enforcement officer” means an individual who—

* * * * *

(3)(A) before such retirement, **[was regularly employed as a law enforcement officer for an aggregate of 15 years or more]** *served as a law enforcement officer for an aggregate of 10 years or more; or*

(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) **[has a nonforfeitable right to benefits under the retirement plan of the agency]** *during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;*

[(5)] *during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;*

[(6)] *(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and*

[(7)] *(6) is not prohibited by Federal law from receiving a firearm.*

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency **[to meet the standards established by the agency for train-**

ing and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or] *to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or*

(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or [otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.] *Otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—*

(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

* * * * *

(f) In this section, the term ‘service with a public agency as a law enforcement officer’ includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.

* * * * *

CHAPTER 47—FRAUD AND FALSE STATEMENTS

* * * * *

SEC. 1038. FALSE INFORMATION AND HOAXES.

(a) CRIMINAL VIOLATION.—

(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505(b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49, or any other offense listed under section 2332b(g)(5)(B) of this title, shall—

(A) be fined under this title or imprisoned not more than 5 years, or both;

(B) if serious bodily injury results, be fined under this title or imprisoned not more than 20 years, or both; and

(C) if death results, be fined under this title or imprisoned for any number of years up to life, or both.

(2) ARMED FORCES.—Any person who makes a false statement, with intent to convey false or misleading information, about the death, injury, capture, or disappearance of a member of the Armed Forces of the United States during a war or armed conflict in which the United States is engaged—

(A) shall be fined under this title, imprisoned not more than ~~5 years~~ 10 years, or both;

(B) if serious bodily injury results, shall be fined under this title, imprisoned not more than ~~20 years~~ 25 years, or both; and

(C) if death results, shall be fined under this title, imprisoned for any number of years or for life, or both.

(b) CIVIL ACTION.—*Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.*

(2) EFFECT OF CONDUCT.—

(A) IN GENERAL.—*A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—*

(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

(ii) after the person that engaged in that conduct should have informed the party of the actual nature of the activity.

(B) APPLICABILITY.—*A person described in this subparagraph is any person that—*

(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity is taking place that would constitute an offense listed under subsection (a)(1);

(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.

(c) REIMBURSEMENT.—

(1) IN GENERAL.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any state or local government, or private not-for-profit organization that provides

fire or rescue service incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

(2) **LIABILITY.**—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

(3) **CIVIL JUDGMENT.**—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.

(d) **ACTIVITIES OF LAW ENFORCEMENT.**—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 (P.L. 90-351)

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program

* * * * *

SEC. 501. DESCRIPTION.

* * * * *

(b) **CONTRACTS AND SUBAWARDS.**—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

(1) neighborhood or community-based organizations that are private and nonprofit; or

(2) units of local government, *private institutions of higher education, and rail carriers.*

* * * * *

PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Subpart 1—Death Benefits

* * * * *

SEC. 1204. As used in this part—

* * * * *

(9) “public safety officer” means—

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; **[or]**

(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties**[.]**

(D) *an individual who is—*

(i) *serving a private institution of higher education in an official capacity, with or without compensation, as a law enforcement officer; and*

(ii) *sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority); or*

(E) *a rail police officer who is—*

(i) *employed by a rail carrier; and*

(ii) *sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority).*

* * * * *

PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 2501. PROGRAM AUTHORIZED.

(a) **IN GENERAL.**—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and **[Indian tribes]** *Indian tribes, private institutions of higher education, and rail carriers* to purchase armor vests for use by State, local, and tribal law enforcement officers *and law enforcement officers serving private institutions of higher education and*

rail carriers who are sworn, licensed, or certified under the laws of a State for the purposes of law enforcement (and trained to meet the training standards for law enforcement officers established by the relevant governmental appointing authority.

(b) **USES OF FUNDS.**—Grants awarded under this section shall be—

- (1) distributed directly to the State, unit of local government, or **[Indian tribe]** *Indian tribe, private institution of higher education, or rail carrier*; and
- (2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

* * * * *

(e) **MAXIMUM AMOUNT.**—A qualifying State, unit of local government, or **[Indian tribe]** *Indian tribe, private institution of higher education, or rail carrier* may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

* * * * *

SEC. 2502. APPLICATIONS.

(a) **IN GENERAL.**—To request a grant under this part, the chief executive of a State, unit of local government, or **[Indian tribe]** *Indian tribe, private institution of higher education, or rail carrier* shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

(b) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this part, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and **[Indian tribes]** *Indian tribes, private institutions of higher education, and rail carriers* must meet) in submitting the applications required under this section.

* * * * *

SEC. 2503. DEFINITIONS.

For purposes of this part—

* * * * *

- (6) the term “law enforcement officer” means any officer, agent, or employee of a State, unit of local government, or **[Indian tribe]** *Indian tribe, private institution of higher education, or rail carrier* authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

* * * * *

**PART AA—MATCHING GRANT PROGRAM FOR SCHOOL
SAFETY**

* * * * *

SEC. 2701. PROGRAM AUTHORIZED.

* * * * *

(b) **USES OF FUNDS.**—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

(1) Placement and use of metal detectors *surveillance equipment*, locks, lighting, and other deterrent measures.

[(2) Security assessments.]

(2) *Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.*

(3) Security training of personnel and students.

(4) Coordination with local law enforcement.

(5) *Capital improvements to make school facilities more secure.*

[(5)] (6) Any other measure that, in the determination of the Director, may provide a significant improvement in security.

* * * * *

(d) **MATCHING FUNDS.**—

[(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.]

(1) *The Federal share of the costs of a program provided by a grant under subsection (a) shall be 50 percent of the total of such costs. The non-Federal share of such costs shall be 50 percent of such costs.*

* * * * *

(g) **INTERAGENCY TASK FORCE.**—*Not later than 60 days after the date of enactment of the School Safety and Law Enforcement Improvement Act of 2007, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than June 1, 2008.*

SEC. 2702. APPLICATIONS.

(a) **IN GENERAL.**—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. Each application shall—

(1) include a detailed explanation of—

(A) the intended uses of funds provided under the grant; and

(B) how the activities funded under the grant will meet the purpose of this part; and

(2) be accompanied by [an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers,

child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are] *a report, prepared in consultation with senior school professionals and senior law enforcement officers, demonstrating that each proposed use of the grant funds will be—*

[(A) consistent with a comprehensive approach to preventing school violence; and]

(B) [individualized to the needs of each school at which those improvements are to be made.]

(A) an effective means for improving the safety of one or more schools;

(B) consistent with a comprehensive approach to preventing school violence; and

(C) individualized to the needs of each school at which those improvements are to be made.

* * * * *

SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter [\$30,000,000 for each of fiscal years 2001 through 2009] *\$50,000,000 for each of the fiscal years 2008 and 2009.*

* * * * *

PART JJ—MATCHING GRANT PROGRAM FOR CAMPUS SAFETY AND SECURITY

SEC. 2998. MATCHING GRANT PROGRAM FOR CAMPUS SAFETY AND SECURITY.

(a) *IN GENERAL.*—The Attorney General is authorized to make grants, through the Office of Community Oriented Policing Services, to institutions of higher education or consortia of institutions of higher education to pay the Federal share of the costs of providing improved security at those institutions.

(b) *PREFERENTIAL CONSIDERATION.*—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from an institution of higher education that—

- (1) *has a demonstrated need for improved security;*
- (2) *has a demonstrated need for financial assistance; and*
- (3) *has evidenced the ability to make the improvements for which the grant amounts are sought.*

(c) *FEDERAL SHARE, NON-FEDERAL SHARE.*—

(1) *IN GENERAL.*—The Federal share of the costs of the activities under this part shall be 50 percent of the total of such costs. The non-Federal share of such costs shall be 50 percent of such costs.

(2) *SPECIAL RULE.*—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used by the tribal colleges and universities to provide the non-Federal share under this subsection.

(3) **WAIVER OR ALTERATION.**—*The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.*

(d) **EQUITABLE DISTRIBUTION.**—*In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.*

(e) **ADMINISTRATIVE COSTS.**—*The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.*

SEC. 2998-1. APPLICATIONS.

(a) **IN GENERAL.**—*To request a grant under this part, the institution of higher education or consortium shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—*

(1) *include a detailed explanation of—*

(A) *the intended uses of funds provided under the grant; and*

(B) *how the activities funded under the grant will meet the purpose of this part; and*

(2) *be accompanied by a report, signed by the chief executive or designated administrator of each institution of higher education receiving assistance under the grant, demonstrating that each proposed use of the grant funds will be—*

(A) *an effective means for improving the safety of 1 or more institutions of higher education;*

(B) *consistent with a comprehensive approach to preventing campus crime and ensuring campus security; and*

(C) *individualized to the needs of each institution of higher education or consortium at which those improvements are to be made.*

(b) **GUIDELINES.**—*Not later than 90 days after the date of enactment of the School Safety and Law Enforcement Improvement Act of 2007, the Attorney General shall promulgate guidelines to implement this section regarding submitting the applications required under this section.*

SEC. 2998-2. USE OF FUNDS.

Grants awarded under this part shall be distributed directly to institutions of higher education or consortia and shall be used to improve campus security at institutions of higher education, whether public or private, in the jurisdiction of the grantee through 1 or more of the following:

(1) *Hiring of additional campus public safety and security officers (sworn and nonsworn) as well as additional staff and support staff necessary for emergency management.*

(2) *Placement and use of surveillance equipment, locks, lighting, metal detectors, and other deterrent measures.*

(3) *Developing and implementing emergency communications systems for campuses in order to contact students using state-of-the-art communications methods.*

- (4) *Security assessments.*
- (5) *Security training of personnel and students.*
- (6) *Coordination with Federal, State, and local law enforcement.*
- (7) *Testing of emergency response and evacuation procedures.*
- (8) *Capital improvements to make school facilities more secure.*
- (9) *Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.*
- (10) *Establishment and operation of an office of campus public safety.*
- (11) *Computer-aided dispatch and record management systems.*
- (12) *Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.*

SEC. 2998-3. ANNUAL REPORT TO CONGRESS.

Not later than November 30 of each year, the Attorney General shall submit a report to Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year—

- (1) the number of grants funded under this part;*
- (2) the amount of funds provided under those grants; and*
- (3) the activities for which those funds were used.*

SEC. 2998-4. DEFINITION.

For purposes of this part, the term ‘institution of higher education’ means an institution of higher education as defined in section 101 of the Higher Education Act (20 U.S.C. 1001) and includes tribal colleges and universities as defined in 20 U.S.C. 1059c(b)(3);

SEC. 2998-5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$50,000,000 for each of the fiscal years 2008 and 2009.